THE HONOURABLE SRI JUSTICE N.V.RAMANA

Writ Petition No.13528 of 2001

Dated:17th February, 2006

Between:

Ch.Ammaji & others.

…..PETITIONER

AND

Chief Engineer (Electrical) O&M, Srisailam Project, A.P. GENCO, Srisailam, HE Scheme, Nalgonda District & 2 others.

….RESPONDENTS

THE HONOURABLE SRI JUSTICE
N.V.RAMANA

W.P.No.13528 of 2001

ORDER:

The petitioners filed this writ petition to declare the proceedings of the 1st respondent dated 17-4-2000, in Lr.No.CEE/O&M/SLMU/AD</C3/DKT.72/307/2000, rejecting the case of the petitioners for absorption and regularization in the respondent Corporation, on the ground that the petitioners have not worked as on 23-3-1996 and 18-5-1997 as illegal and arbitrary, and consequently to direct the respondents to consider the case of the petitioners for appointment in the existing Class-IV vacancies as per Memo No.1138/85-1 dated 26-8-1985 with all consequential benefits.

Heard the learned counsel for the petitioners as also the learned Standing Counsel for the respondent Board.

The questions, whether the petitioners were engaged by the respondents directly or were employed through the contractor, or whether the employment of the petitioners through the contractor was a camouflage to deny the petitioners the benefit of regularization, or whether according to the impugned order dated 17-4-2000 the petitioners have not worked on the cut-off date, or whether the cut-off date is applicable to the petitioners, or whether the absorption of the petitioners under B.P.Ms.no.36 and 37, dated 18-5-1997 can be considered, or whether the petitioners come under the purview of B.P.Ms.36 dated 18-5-1997 because they were not ex-casual labour, or whether under B.P.Ms.No.37 dated 18-5-1997 they were not on rolls as on 23-9-1996 and engaged against the 33

abolished categories, are all disputed questions of fact, which can be decided only after adducing of oral and documentary evidence by the parties, and having regard to the judgment of the apex Court in ***ONGC Ltd. V. Shyamlal Chandra Bhowmik***[1], the said disputed questions, which require adducing of oral and documentary evidence by the parties, cannot be gone into by this Court in a writ petition, and the remedy of the petitioners, if any, is to raise an industrial dispute under the Industrial Disputes Act, 1947 before the Labour Court.

Hence, granting liberty to the petitioners to raise an industrial dispute under the Industrial Disputes Act, 1947, before the Labour Court, the writ petition is dismissed. No costs.

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(N.V. RAMANA, J.)

Date:17th February 2006.

GRK

[1] (2006) 1 SCC 337